

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ROSARIO BETANCOURT-GARCIA,

Petitioner,

vs.

ROB JEFFREYS,

Respondent.

**8:24CV322**

**MEMORANDUM AND ORDER**

Before the Court is a motion for counsel (the “Instant Motion for Counsel”) filed by Petitioner Rosario Betancourt-Garcia (“Petitioner”). Filing No. 16. For the reasons set forth below the Instant Motion for Counsel shall be denied without prejudice to reassertion.

On August 19, 2024, Rosario Betancourt-Garcia (“Petitioner”) filed a Motion for appointment of counsel (the “First Motion for Counsel”), Filing No. 4, which was denied by this Court on October 25, 2024, Filing No. 9. In the First Motion for Counsel Petitioner sought appointment of counsel arguing he was unable to pay for private counsel, the issues in the case were meritorious and complex, he had limited access to the law library and limited knowledge of the law, that the case requires extensive discovery and there may be conflicting evidence requiring speaking with witnesses that Petitioner may not have access to due to his incarceration. Filing No. 4 at 1. The First Motion for Counsel was denied as there was no need for the appointment of counsel at such an early stage of the proceedings, but Plaintiff was informed that further developments in the case may arise where counsel is warranted. Filing No. 9 at 2–3 (citing *Williams v. Carter*, 10 F.3d 563, 567 (8th Cir. 1993)).

Since the denial of the First Motion for Counsel Petitioner supplemented his Petition, Filing No. 14, was provided with copies of his prior filings in this case, and this Court entered a progression order finding that Petitioner's claims set forth in his Petitioner were potentially cognizable and requiring Respondent to file a motion for summary judgment or state court records in support of an answer by February 27, 2025 (the "Progression Order"). Filing No. 15. However, at this time nothing has developed since the First Motion for Counsel was denied. In fact, at this time Petitioner need not take any action in the case at all until Respondent responds to the Progression Order.

As no new developments have occurred which would necessitate this Court's consideration of appointment of counsel at this time, the Instant Motion for Counsel, Filing No. 16, is denied without prejudice to reassertion.

IT IS SO ORDERED.

Dated this 27th day of February, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John M. Gerrard", is written over a horizontal line.

John M. Gerrard  
Senior United States District Judge